

1 A Yes.

2 Q Did you have your backpack with

3 you?

4 A Yes.

5 Q Did the police search the backpack?

6 A Yes, they did.

7 Q And that's when they found the gun?

8 A Yes.

9 Q At some point were you taken to the

10 police station?

11 A Yes.

12 Q At the police station, did the

13 police give you an opportunity to

14 make a statement?

15 A Yes.

16 Q You were here when your statement

17 was introduced into evidence, is

18 that right?

19 A Yes.

20 Q Tell us basically, what was the

21 statement that you made to the

22 police?

23 A I told them that it had been in

24 self-defense because he had already

1 attacked me twice. Just that and I
2 told them that I was fine and they
3 came and they took my fingerprints
4 and all.

5 Q Did you tell the police basically
6 the same story that you're telling
7 us today?

8 A Yes.

9 Q The police treated you pretty well,
10 didn't they?

11 A In some parts, yes.

12 Q By that I mean you were given your
13 rights, weren't you?

14 A Yes.

15 Q You understood the rights as they
16 were given to you?

17 A I had a bit of a problem to
18 understand them but yes, I did.

19 Q What you did is that even though
20 you were read your rights, did you
21 decide to give them a statement?

22 A Yes.

23 Q How long did it take you to give a
24 statement at the police station?

1 A About twenty minutes.

2 Q We heard parts of it or we saw
3 parts of it here, is that the same
4 interview that we're talking about
5 now?

6 A Yes.

7 Q Is what you said back on April 16th
8 of 2014 the same thing you told us
9 today?

10 A Yes.

11 MR. NAPOLITANO: Thank you
12 very much. I have nothing further.

13 THE COURT: Cross?

14 MR. MCCARTHY: Thank you.

15

16 **CROSS EXAMINATION OF RAFAEL LEONER-**
17 **AGUIRRE:**

18

19 Response in English

20 Q (By Mr. McCarthy) Good afternoon,
21 sir.

22 A Good afternoon.

23 Q You testified earlier that you were
24 at, was it a friend's house before

1 this incident happened?

2 A I went to drop off the keys to my
3 boss.

4 Q Who is your boss?

5 A Jose Vasquez.

6 Q Does he also have another name?

7 A Not that I know of.

8 Q Did you ever hear him use the name
9 Hector?

10 A That's his step-son.

11 Q So you were at Hector's house?

12 A I went to drop off the keys at
13 Hector's house.

14 Q Where does Hector live?

15 A 50 Cary Street, Avenue, sorry.

16 Q How long were you there?

17 A Approximately six to seven minutes.

18 Q You met some people you knew, is
19 that right?

20 A Yes.

21 Q Jose Morales?

22 A I don't know him that well. I had
23 known him for about ten days then.

24 Q You testified he's your friend on

1 direct, didn't you?

2 A Well, yes.

3 Q And you had only known him ten

4 days?

5 A Of course.

6 Q How do you know Kevin Ayala?

7 A From El Salvador.

8 Q You guys grew up together?

9 A No, he's from the same colony where

10 I lived.

11 Q Are you guys brothers?

12 A No.

13 Q But you knew him from El Salvador?

14 A Yes.

15 Q What about Vicky?

16 A She's my girlfriend.

17 Q Did you know her from El Salvador?

18 A Yes.

19 Q How about Kenia Revas?

20 A I knew her but I had spoken with

21 her very little.

22 Q You didn't know her from El

23 Salvador?

24 A Yes.

1 Q You did?

2 A Yes.

3 Q Do you go by any nicknames that
4 your friends call you?

5 A Well, no, like I said with Jose
6 Morales I had no idea that they
7 were calling me Tremendo. I just
8 found out recently that they were
9 calling me that.

10 Q You just learned that during the
11 trial?

12 A No, I heard rumors from a friend.

13 Q What about El Mexicano? Have you
14 ever been called that?

15 A No, I don't know who that is.

16 Q Your friend Jose said he was an MS
17 13, is that right?

18 A I don't know, honestly.

19 Q You didn't hear him say that when
20 you were sitting at that table over
21 there?

22 A No, I heard that from him but as
23 far him being a gang member I don't
24 know that.

1 Q Are you familiar with what MS 13
2 is, aren't you?

3 A Well, Mara Salvatrucha.

4 Q A gang that originates in your home
5 country?

6 A Well, yeah, it is originally from
7 El Salvador.

8 Q Are you familiar with any of the
9 markings? Do other people know a
10 person is in MS 13?

11 THE INTERPRETER: I'm sorry,
12 can the Interpreter have you repeat
13 it?

14 Q Are you familiar with some of the
15 markings or features that let
16 somebody know that they are in MS
17 13?

18 A Well, I don't know. I can't tell
19 you. I don't know about gangs. My
20 job has been always to have a job.

21 Q What about your tattoos? Do they
22 mean anything to you?

23 A Yes, especially.

24 Q Do any of the tattoos have gang

1 meanings?

2 A No.

3 Q Now, you testified earlier that

4 Papelito and somebody else followed

5 you about a week before this, is

6 that right?

7 A Yes.

8 Q Did you tell the police that that

9 night?

10 A No.

11 Q You also testified that - move to

12 strike that. When you left

13 Hector's place, who was outside

14 with you?

15 A Well, we all came down together.

16 Me, Kenia, Vicky, Kevin Ayala, and

17 Christian Armando.

18 Q And Jose?

19 A Yes, Jose Morales.

20 Q Doesn't Christian live right around

21 the other side of the intersection?

22 A He lives on Cary by where the

23 church is.

24 Q So there's five of you that need a

1 ride home?

2 A Yes.

3 Q And you walked away because you
4 didn't fit in the car, is that
5 right?

6 A Yes.

7 Q And you walked away with Jose,
8 didn't you?

9 A Yes.

10 Q And you were parked in the opposite
11 direction of where you guys were
12 walking, right?

13 THE INTERPRETER: I'm sorry?

14 Q He was parked on the opposite
15 direction of where you guys started
16 walking, is that right?

17 A Yes.

18 Q So how is everybody going to get
19 home if Jose is walking with you?

20 A Because Jose Morales gave the keys
21 to Kevin Ayala.

22 Q How come Jose is not going? So, in
23 other words, you're walking home
24 because you don't fit in the five

1 person car, correct?

2 A Yes.

3 Q And Jose is walking with you?

4 A Yes.

5 Q Does he not fit in his own car?

6 A Of course, but he gave the keys to
7 Kevin and told him to drive.

8 Q Did you tell this part of this
9 story to the police that night?

10 A Not that I can remember. Maybe I
11 did, I don't remember.

12 Q Do you know who Calibrais is?

13 A Well, I've heard of him.

14 Q Was he there?

15 A Not that I know of.

16 Q Thank you.

17 MR. MCCARTHY: Could I just
18 have a moment, your Honor?

19 THE COURT: Yes.

20 Q Now, you've testified that
21 everything you've said today, that
22 you're telling the jury, is the
23 same as what you told the
24 detectives that night, is that